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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 1996, at 3 p.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. LEGAULT (Vice-Chairman)	(Canada)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

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GE.96-12607 (E)

The meeting was called to order at 3.15 p.m.

STATEMENT BY MR. VICTOR HUGO CARDENAS, VICE-PRESIDENT OF THE REPUBLIC OF BOLIVIA

1. Mr. CARDENAS (Observer for Bolivia) said that for the past 14 years Bolivia had been living under a democratic regime which enabled different political parties to alternate in power. Municipal elections were held regularly and, since 1985, the Government had launched a series of structural reforms in the economic, social, legal, cultural and ethnic fields. In 1994, Bolivia had begun a process of economic democratization which had led to the privatization of more than 50 State enterprises and the capitalization of the 6 largest. Capitalization involved a link-up between a national firm and a foreign investor who contributed modern technology and management techniques, the entire capital and ran the firm. Once the firm was capitalized, 50 per cent of its total worth was distributed by means of pension funds to all citizens of pensionable age. As a result, and in contrast with the past most of the Bolivian people, and in particular the indigenous population, were covered by a social security regime.

2. Bolivia's macroeconomic performance had become positive. Its annual growth rate was 4.5 per cent. Inflation, which had been 12 per cent in 1995, should rapidly be reduced to single figures. The challenge facing Bolivia was to preserve macroeconomic stability while enabling Bolivian families, the indigenous communities, peasants and citizens to enjoy tangible benefits.

3. Political authority had been democratized as a result of administrative decentralization and grass-roots participation. Nine departmental administrations, each of which possessed a board elected by the municipalities, had been established. The municipal authorities, which had risen from 20 to 311 in number, exercised wider authority and involved indigenous, grass-roots, urban and rural organizations in conformity with ILO Convention No. 169. A share of national tax revenue was used to solve local problems; funds were allocated on a per capita basis, thereby setting urban and rural inhabitants on an equal footing.

4. In order to orchestrate those changes, the Executive had reorganized its economic activities in the Ministry of Economic Development and its social activities in the Ministry of Human Development. Both ministries came under the authority of the Ministry of Sustainable Development, which sought to ensure economic and social development while preserving the environment. Thus, an ecological impact assessment was made of all development projects.

5. During the previous 14 years the electoral process had been consolidated and politics had developed into a dialogue between the Government and the opposition. Election results had become completely trustworthy. The voting age had been reduced from 21 to 18 and the electorate's social composition had broadened as a result. All indigenous people, both men and women, were entitled to vote and to stand for election. In the December 1995 municipal elections, approximately 35 per cent of mayoral and municipal councillors' seats had been won by indigenous candidates. A bill designed to enhance the transparency of funding for political parties and democratize them in order to foster participation by indigenous people was before the Bolivian Congress.

6. The Government had established new democratic institutions: the Constitutional Court, the Judicature Council, which was responsible for punishing judicial malfunctions, and the Ombudsman, who was responsible for ensuring that the administration respected individual rights and who was to be provided with an assistant for indigenous affairs. The persons who had elaborated the draft code of criminal procedure had endeavoured to take into account indigenous traditions and dispute-settlement customs. A law adopted in early 1996 made it possible to grant persons with a low income bail on oath and had put an end to serious economic and social discrimination. Pre-trial detention was the exception rather than the rule. A further provision benefiting indigenous populations was the Act abolishing prison sentences and enforcement by committal for debt, which had been adopted in December 1994. A total of 500 persons, most of them indigenous, had so far been released. In addition, the rights of the defence had been strengthened.

7. In December 1995 the Act on domestic violence had been adopted; the Act was in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, which had been ratified by the Bolivian Congress in 1989. Hitherto, the Act had mainly been invoked by indigenous women living in towns, although the authorities were endeavouring to extend its scope to indigenous and rural areas.

8. The theft and plundering of cultural property had been classed by international treaties as extraditable crimes, thereby making it possible to protect the cultural and historical heritage of the indigenous populations. He was himself of indigenous origin, and emphasized that for the first time in 500 years, Bolivia, where the majority of the population was indigenous, had been recognized in the Constitution as a multi-ethnic and multilingual country. Constitutional and juridical recognition of the indigenous populations and their traditional institutions currently ensured that they were fully able to exercise their rights.

9. As part of an unprecedented process of cooperation between the Government and peasant, indigenous and entrepreneurial organizations, a bill had been drafted providing for the establishment of a National Land Institute, responsible for securing the rights of indigenous peoples over their ancestral land and reasonable exploitation of natural resources by peasants and farmers.

10. The present educational reform was extending throughout Bolivia an experiment in inter-cultural bilingual education which fostered respect for and development of the national languages and cultures, both indigenous and non-indigenous, and enabled Bolivian children to learn in their own language and to improve their knowledge of Spanish, and in secondary schools, of a foreign language.

11. Bolivia was a victim of the growing worldwide demand for drugs, which served the interests of traffickers and those who laundered drug money. Some peasant and indigenous families were compelled to grow coca leaf in order to survive. The authorities were endeavouring to correct the possible excesses of the security forces in their efforts to combat the drug scourge, and to improve the relevant legal provisions concerning the constitutional rights and guarantees of individuals. Human rights and ombudsman's offices had been

opened in coca-producing zones to register complaints of abuses. Bolivia reiterated its proposal for the rapid convening of a world conference on drugs under the aegis of the United Nations.

12. In 1993 the Executive had established the National Secretariat for Ethnic Affairs, currently headed by an indigenous Quechua. Every two months the Government, through the office of the Vice-President of the Republic and representatives of the Executive, met with leaders of the indigenous populations to assess the work performed and to identify new tasks. His Government, which reaffirmed its attachment to the objectives of the International Decade of the World's Indigenous People, had established a national committee for the Decade and would support the adoption of a draft declaration on the rights of indigenous peoples.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150, 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69, 80, 87; A/50/471, 567-569, 663, 734, 767, 894; S/1996/203)

13. Mr. MADADHA (Observer for Jordan) said that Jordan was well known for the moderation it always displayed, even in the most difficult of circumstances. At the beginning of the session, his delegation had requested Israel to show restraint in combating terrorism and to take into account the rights of the populations with which it had to coexist. Unfortunately, the world was witness to the alarming events in Lebanon, which posed a serious threat to peace in the region. The killing of Lebanese children and civilians during indiscriminate bombardments by the Israeli army was as despicable as the killing of Israeli civilians in blind attacks.

14. Most of the peoples in the Middle East had been living in terror for decades and wanted the conclusion of a just and comprehensive peace between the Arab countries and Israel. Only the end of the occupation, within the framework of a comprehensive settlement, could put an end to the violence. For that reason, Jordan, which had always been in the forefront of those demanding a just and lasting peace settlement with Israel, believed that negotiations should be continued at the highest level.

15. Mr. NSEIR (Observer for the Syrian Arab Republic) said that, at its previous sessions, the Commission had adopted resolutions on human rights in southern Lebanon and the western Bekaa, condemning Israel and requesting it to put an end to its oppressive practices, in conformity with Security Council resolution 425 (1978). Clearly, Israel was continuing to turn a deaf ear. Since 11 April 1996 it had even begun a vicious large-scale war against Lebanon, involving the bombardment of numerous civilian targets. Even more than in the past, the Commission should condemn Israel for its continual and premeditated violations of human rights, of international law and of

international humanitarian law, not only in southern Lebanon but throughout Lebanese territory. The aggression was proof of Israel's expansionist ambitions in southern Lebanon and of its intention definitively to occupy that part of the country. The Commission should request Israel to comply with the Fourth Geneva Convention, to implement Security Council resolution 425 (1978) and to respect the sovereignty, independence and territorial integrity of Lebanon. There would be no security in the Middle East until Israel had withdrawn from all the occupied Arab territories. Lastly, it was unfortunate that in its statement on behalf of the European Union, the delegation of Italy had at no point referred to the tragic situation in Lebanon.

16. Mr. MBONIMPA (Observer for Rwanda) said he had been surprised, when the report on the human rights situation in Rwanda had been presented (E/CN.4/1996/7 and 68) to hear the Special Rapporteur assert that the current human rights situation in Rwanda had hardly changed. He was obliged to point out that the human rights situation in Rwanda should be assessed in the light of the scale of the unprecedented drama Rwanda had experienced in 1994.

17. The Commission would have been better informed if the Special Rapporteur had drawn attention to the progress made, particularly towards rehabilitating the judicial apparatus, improving conditions of detention and repatriating refugees. In less than 2 years, thanks to the assistance of the international community, almost 650 members of the judicial personnel had been trained. The President and Vice-Presidents of the Supreme Court had been appointed, as well as the other members of the Judicature Council. In addition, most of the buildings intended for the prosecution services and the courts were being repaired.

18. In view of the extent of the task, which required exemplary and equitable justice so as to eradicate the culture of impunity, the Government of Rwanda had engaged in a thorough review and organized a wide-ranging debate. The Council of Ministers had adopted a bill on the organization, operation and competence of the specialized chambers which would be responsible, within the traditional judicial structure, for dealing with cases linked to the 1994 genocide and the massacres. The bill provided, inter alia, for criminals to be classified in accordance with their degree of responsibility, for substantially reduced sentences for criminals who admitted their crimes and pleaded guilty, for judges to commute prison sentences to an equal period of community work, and for streamlining the regular procedures. It was essential to emphasize that the international community had a duty to play an active role in punishing the crimes committed in 1994. In that respect, his delegation commended those countries which, in conformity with the relevant resolutions of the Security Council, had arrested Rwandan criminals on their territory, and it encouraged them to respond favourably to the applications for extradition submitted to them by Rwanda.

19. Mr. NASSERI (Observer for the Islamic Republic of Iran) pointed out that the serene atmosphere of the session's first meetings had given way to frenzied activity and intrigue, in order to ensure that existing "targets" remained on the roster while new targets were being identified. Having vanquished the East, the Western gladiators were seeking fresh prey in the South. The Commission could decide to carry on working in the spirit that

had prevailed at the time of the cold war, albeit along the new North-South divide, even though human rights would suffer, or it could decide to adjust to new circumstances.

20. In that context, it was imperative to put an end to a conflict which was threatening to get out of hand. In order to do so, measures were required to put an end to the politicization of debates and to the selective practices currently followed by the Commission. The problem was particularly acute where specific country situations were concerned, for there was a tendency to multiply special procedures. There should be a return to certain agreed basic principles and in particular for the non-selective application of existing procedures and mechanisms to specific country situations; the enhancement and promotion of impartiality and objectivity when referring to certain situations, both in the reports by special rapporteurs and representatives and in the debates, and for specific cases to be addressed in the light of reality and not of political criteria. First and foremost, it was necessary to promote and protect human rights through international cooperation and solidarity, as proclaimed in the Charter, the Universal Declaration and the Vienna Declaration and Programme of Action.

21. For that purpose, it was particularly important to seek alternative ways of addressing country situations, minimizing as far as possible the need to resort to political tactics. Everyone knew how much intimidation and bullying were used to influence votes. In addition, if the special procedures were satisfactory - which was the case if they were used in conformity with the defined objective - there was no reason why they should not be applied to all countries in the world.

22. With regard to the situation in Iran, the members of the Commission were aware how the process had begun and at whose behest. The mandate dated back more than 10 years, since when many things had changed, and the Islamic Republic of Iran did not deserve to be singled out in that way. Nevertheless, Iran had decided to give constructive cooperation a chance. The report by the Special Representative (E/CN.4/1996/59) contained objective elements and could constitute an acceptable basis for a constructive dialogue. However, that did not mean it was devoid of erroneous information or questionable judgements, although his delegation had no intention either of refuting them or engaging in polemics. The points at issue were familiar to all the members of the Commission and stemmed from the contrast between a religious and a secular view of the world. The Iranian authorities none the less believed that it was only possible to promote and protect human rights through international cooperation and solidarity. For that reason, they had fully cooperated with the Special Representative, invited the Special Rapporteurs on the question of religious intolerance and on the right to freedom of opinion and expression to Iran and were prepared to continue to cooperate with the Special Representative and the Special Rapporteurs and to consider their observations, conclusions and recommendations in a constructive manner.

23. Mr. MBYE (Observer for the Gambia) drew the Commission's attention to the fate of migrant workers in many parts of the world. Protecting the basic rights of migrant workers and securing their safety would be in keeping with the principles of the Commission and would above all demonstrate its determination to combat human rights violations, wherever they occurred and regardless of who was responsible.

24. The Government of the Gambia had recently been informed of the death of one of its citizens, Mr. Ebrima Sey (alias Mambiran Sey) while in custody in the United Kingdom. It had been confirmed that the British police had used a highly toxic gas in order to arrest him. Consequently, the Government of the Gambia wished to know the exact circumstances of Mr. Sey's death, the composition of the gas used and the reason why the British police had found it necessary to use such methods to arrest an unarmed and helpless human being. His delegation expressed its deep dismay and disgust at that kind of inhuman treatment, which was usually reserved for foreigners, and in particular for Africans. It was extremely disappointing to observe that such acts, which demonstrated total disregard for human life, could occur in a country that claimed to be the "mother of all democracies".

25. He also informed the Commission that the transition programme leading to democratic constitutional rule in the Gambia was firmly on course and that presidential and general elections would be held at the end of 1996.

26. Mr. MUNTASSER (United Nations Population Fund (UNFPA)) said that, since its inception, UNFPA had remained loyal to the principle that every nation had the sovereign right to determine its population policy. However, that policy should be consistent with universal norms on human rights and individual freedom, justice and the survival of minority groups and the basic right of all couples and individuals to decide freely and responsibly the number and spacing of their children.

27. Supporting reproductive health and human rights, including reproductive rights, was a major part of UNFPA's work. In view of the increased violations of basic rights and particularly the rights of women, in recent conflicts, in June 1995 UNFPA had signed a Memorandum of Understanding with UNHCR in order to lay the foundations of cooperation for the benefit of refugees, internally displaced persons and returnees. UNFPA and UNHCR were jointly developing strategies and programmes to meet the reproductive health needs of refugees and to promote their reproductive rights.

28. In conjunction with UNHCR, WHO and UNICEF, UNFPA had developed guidelines for field staff on the integration of reproductive health into emergency relief operations and humanitarian assistance. Reproductive health projects in emergency situations had been launched in countries hosting refugees. In addition, the Fund had carried out projects in Bosnia and Herzegovina and in Croatia, as well as in various countries in central and western Africa to meet the needs of women traumatized by violent events and the health needs of adolescents. It had recently taken part in a multisectoral mission in Bosnia and Herzegovina to assess development needs, define priorities and draw up a global programme which would be implemented with the cooperation of the whole of the United Nations system.

29. Mr. LAMDAN (Observer for Israel) said that his statement would focus exclusively on the situation in Lebanon, which was going through an acute phase.

30. The Government of Israel demanded that the Government of Lebanon take control of the Hizbollah terrorists and prevent them from attacking Israeli civilians in the towns and villages on Israel's northern border. Israeli

operations would cease when Hizbollah permanently ended its attacks, which, since 1 February 1996, had killed eight Israelis and wounded many more. Israel had initially endeavoured not to respond to the provocations. It should be pointed out that Hizbollah was inspired, financed and equipped by the Government of Iran, whose sole objective was to undermine the peace process and, if possible, the very existence of Israel. The Government of Israel had sent several warnings, through political and diplomatic channels, to the Government of Lebanon as well as to the Government of Syria, which exercised considerable influence over the situation. Those messages had all been ignored and the Israeli authorities had been obliged to take measures to protect the population in the north of Israel.

31. He wished to clarify a number of points: the Government of Israel was exercising its right to self-defence under Article 51 of the Charter; its wider objective was to protect the peace process and to conduct peace negotiations with Lebanon and Syria; it had no territorial claims on Lebanon and no intention of engaging with either the Lebanese or the Syrian armies; Hizbollah had breached all previous understandings and agreements; although the world's leaders had declared war on terror at the Sharm al-Sheik Conference, Hizbollah was plunging further into terrorism. The Israeli authorities would not permit Hizbollah to pursue its murderous activities behind the shield of Lebanese civilians. Their purpose was not to injure Lebanese civilians but to destroy Hizbollah targets. Hizbollah's infrastructure throughout Lebanon, including Beirut, would not enjoy immunity; if Israeli facilities were attacked, corresponding facilities in Lebanon would be hit with superior force. Israel's operation was not limited in time but defined by the achievement of its aims.

32. Under international law, no State could allow its territory to be used for acts which threatened or harmed the territorial integrity or political independence of another State. The Government of Lebanon had abdicated its international responsibilities. It bore the responsibility for demonstrating that it was capable of guaranteeing the security and stability of the border between Lebanon and Israel.

33. U LIM MYAING (Observer for Myanmar) said that a detailed description of the situation in Myanmar had been provided in document E/CN.4/1996/139, which was available to all delegations. It was thus regrettable that some of them should have made unfounded allegations about Myanmar during the discussion.

34. The Government and people of Myanmar believed that the country's development and the fulfilment of its population's rights necessarily required peace, stability, the prevalence of law and order and the establishment of a new Constitution. With but one exception, the armed groups which had fought against successive Governments had decided to cooperate with the authorities, within the law. Negotiations were under way with the one remaining armed rebel group. Despite its limited financial and material resources, the Government had spent US$ 400 million on implementing a programme for the development of border areas and national ethnic groups, reducing poverty and eliminating poppy cultivation.

35. The Government of Myanmar believed that a people's essential right was to be able to provide itself with food and clothing and to live in adequate housing, and was endeavouring to raise the standard of living of all citizens.

The agricultural sector was the mainstay of the economy and enjoyed high priority in the liberalized economic policy implemented by the Government. Peasants - who made up 70 per cent of the population - had been the primary beneficiaries of that policy. The Government was also striving to improve the people's social conditions. As a result of the progress made in the political, economic and social fields, many detainees who no longer threatened State security had been granted an amnesty and would also be able to take part in national reconstruction.

36. Myanmar was well known throughout the world for its culture of tolerance. Discrimination on grounds of race, religion, language or sex was non-existent and the status of women was one of the highest in the world. The National Convention was laying the foundations for a new Constitution that would guarantee the establishment of a democratic State based on the universal values of justice, liberty and equality. The Government reaffirmed its attachment to the human rights principles set out in the Charter of the United Nations and in the Universal Declaration of Human Rights.

37. Mr. LEGAULT (Canada), Vice-Chairman, took the Chair.

38. Mr. GJONEJ (Albania) said he welcomed the cooperation between States and the human rights mechanisms, and the recent settlement of a number of conflicts which, by taking into consideration collective rights had opened the way towards respect for the rights of the individual. However, a single shot was sufficient to bring all efforts to protect human rights to naught. Progress still had to be made in some regions of the world, and the High Commissioner for Human Rights was the linchpin of the efforts to publicize, monitor and promote human rights.

39. Every democratic Government had an obligation to work towards full respect for and promotion of human rights. The recent experience of Central and Eastern Europe was a sorry illustration of failure to perform that obligation. Since the fall of the autocratic regime, the Government of Albania had made particular efforts to respect and monitor human rights, and in particular the rights of minorities, religious rights and electoral rights.

40. In his report, the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia had emphasized, with regard to Bosnia, that the individuals concerned were no longer content to deal with working groups and commissions but demanded action and tangible results. That observation was particularly appropriate for the Albanian population of Kosovo who, for over seven years, had aspired to a peaceful settlement. They constituted 90 per cent of Kosovo's population but were subjected to the discriminatory legislation instituted by the Serbian authorities. The situation in Kosovo, in contrast to other territories of the former Yugoslavia, was growing worse and the absence of permanent international monitoring had facilitated the repression of the Albanian population by the Serbian regime. In 1995, the Council for the Defence of Human Rights and Liberties in Priština had received information on 16 cases of Albanians who had been killed by the police or had died in prison, 6 of them as a result of torture. It had also recorded approximately 11,000 cases in which persons had been tortured or subjected to other forms of cruel and degrading treatment and 27,000 cases of human rights violations among the Albanian population of

Kosovo. In the circumstances it was vital for negotiations to begin between Albanians and Serbs over the future political status of Kosovo. None of the decisions taken by the Commission had yet been enforced and the Commission would lose its credibility if it continued to allow the Serbian authorities to act with complete impunity.

41. Ms. EIVAZOVA (Observer for Azerbaijan) said that Armenia, which was occupying 20 per cent of Azerbaijani territory, had begun to transfer settlers to the occupied territories. In the wake of Armenia's aggression, more than 1 million people, most of them women, children and elderly persons, had been forced to flee from the occupied territories and were mostly living in tents and under extremely trying circumstances. Refugee children received no education, were underfed and lacked access to proper medical care. In March 1996, the Commission on the Status of Women had vigorously condemned that situation.

42. Since the beginning of the conflict, nearly 5,000 people, most of them civilians, had disappeared and ICRC was not allowed to visit the occupied territories to investigate their fate. The Armenians had broken the cease-fire agreements 586 times, and had killed or wounded hundreds of Azerbaijanis, most of them civilians.

43. Azerbaijan favoured a peaceful and lasting settlement to the conflict, in conformity with the relevant resolutions of the Security Council, and appreciated the efforts undertaken by OSCE and the United Nations to achieve that aim.

44. Ms. DAURE-SERFATY (International Prison Watch) said that in February 1996 her organization had carried out an exploratory mission in Rwanda in order to prepare a project for persons at risk who had been imprisoned following the genocide, the cruelty of which accounted for the imperative need for justice, as a prerequisite for reconciliation, and the scale of which accounted for the large number of prisoners. Her organization had noted an improvement in the prison situation in terms of food, hygiene and the separation of women and children from other detainees.

45. However, despite the efforts made to reduce it, prison overcrowding was still overwhelming, and each detainee was entitled to a visit of only two or three minutes per week and had no form of exercise. There was every reason to fear that their mute quiescence would foster bitterness and hatred rather than reconciliation. The number of detainees was likely to increase further with the return of the 2 million refugees, some of whom had been involved in the genocide.

46. In any event, those who had instigated and perpetrated the genocide had to be brought to trial, even if the number of detainees increased temporarily. Otherwise, vengeance would be the only law and the massacres would continue. Clearly, those responsible for the crimes committed since July 1994 by elements of the Rwandese Patriotic Army would also have to be tried. The Government of Rwanda should be encouraged to reduce the sentences of those who acknowledged their crimes and to devise penalties other than prison, making the guilty take part in national reconstruction. States should also assist the Government of Rwanda with reconstruction, reconciliation and pacification.

47. Finally, her organization commended the decision of the Government of Rwanda not to impose the death penalty on those responsible for the genocide.

48. Ms. MAIWAND-OLUMI (Observer for Afghanistan) drew the Commission's attention to the massacres committed by the occupying Soviet troops, which had been revealed by the discovery of mass graves in the provinces of Herat and Bamyan, as well as at Puli Charkhi and, a month ago, at Jalalabad.

49. Mr. Mirwais Jalil, who had been referred to by the Special Rapporteur on extrajudicial, summary or arbitrary executions, had been abducted and killed on 29 July 1994 in an area controlled by an opposition group. His body had been found only several days later, but had been transferred abroad by his family before an autopsy had been possible. Although the victim's family had not brought the matter before the courts and the crime had been committed in a region outside government control, the Government was actively seeking those responsible, who would face trial.

50. The Government of Afghanistan was endeavouring effectively to promote and protect all human rights and fundamental freedoms in the territory under its control, while preserving respect for human and Islamic values. It vigorously condemned unlawful acts and human rights violations wherever they occurred in the world.

51. Mr. ADIB AL JADIR (Arab Organization for Human Rights) said that his organization forcefully condemned the current aggression against Lebanon by the Israeli army, which was attacking unarmed civilians, firing at ambulances and destroying housing and civilian infrastructures, including power stations, which clearly did not belong to Hizbollah. The international community should first of all demand that Israel immediately cease its aggression and implement Security Council resolution 425 (1978) and, secondly, provide humanitarian assistance to the 400,000 civilians who had been compelled to flee the bombardments.

52. As to other Arab countries, the ratification by Kuwait of the Convention against Torture and the two other international human rights covenants was a welcome step, although it was unfortunate that Kuwait had expressed reservations, particularly with regard to equality between men and women.

53. In Iraq, 99.96 per cent of the voters had approved a constitutional amendment which authorized the Revolution Command Council to designate its head as a candidate for the presidential election. The Council was not an elected body. In Algeria, it was to be hoped that, after the first multi-party presidential elections, in which 75 per cent of the electorate had participated, it would be possible for the democratic process to resume on the basis of a dialogue between all parties, marked by respect for human rights.

54. In the case of Egypt it had been proved that Egyptian prisoners-of-war had been executed by Israel during the conflicts between the two countries in 1956 and 1967. Lastly, in Palestine, the occupied Palestine territories continued to be subjected to blockades and the Palestinians were unable to travel to Jerusalem.

55. Ms. McMILLEN (Friends World Committee for Consultation) (Quakers)), speaking on behalf of the International NGO Working Group on Refugee Women, said it was gratifying that the International Tribunals for the former Yugoslavia and for Rwanda had been authorized to consider gender-specific crimes, especially rape. Unfortunately, however, the victims and witnesses of the crimes committed in those countries were not provided with adequate protection and were exposed to reprisals.

56. For that reason, the Commission should adopt a resolution requesting States to protect persons who cooperated with procedures established by the United Nations and to bring suspects without delay before the Tribunals for the former Yugoslavia and Rwanda. The Commission should also ensure that female experts were involved in the examination proceedings of gender-specific cases and recommend to the High Commissioner for Human Rights that full working relations be established between his office and the two International Tribunals and that his office should pay particular attention to gender-based crimes against women and to protecting witnesses. Lastly, the Commission should encourage the dissemination of information regarding the witness-protection machinery, express the firm commitment of the international community to promoting justice, peace and women's rights and consider the issue at its fifty-third session.

57. Mr. RAFENDI DJAMIN (Regional Council on Human Rights in Asia) drew the Commission's attention to the human rights situation in Indonesia, where the rights of peaceful assembly and freedom of expression were subject to serious restrictions: numerous public events had been banned, censorship was practised, journalists had been convicted and the authorities had refused to recognize the Association of Independent Journalists. The army was involved in most human rights violations and frequently enjoyed the support of the bureaucracy and of private firms. The National Commission on Human Rights lacked both independence and authority, and the courts obeyed the orders of the State. For example, Mr. Sri Bintang Pamungkas, a member of Parliament, was currently facing trial on charges of insulting the Head of State simply because he had exercised his parliamentary prerogative. He faced a six-year prison sentence.

58. In Irian Jaya, the rights of indigenous people were systematically violated. In December 1995, three Amungme had been shot dead by the military in the region of Timika, where a major United States- and British-owned mining company, Freeport/RTZ, was operating. Three of those responsible had been brought to trial, but their indictment had not followed proper procedure. In Nipah, in East Java, four people had been killed and four others wounded in 1993 by military personnel who were dislodging them to permit the construction of a dam. Four soldiers were currently facing trial, but those principally responsible had been left alone. In most cases, total impunity was the rule.

59. The people of East Timor, whose right to self-determination the Government of Indonesia refused to recognize, were continuing to suffer abductions, arbitrary detentions and killings.

60. In conclusion, he commended the visit made to Indonesia in December 1995 by the High Commissioner for Human Rights and said that it was vitally important to establish a United Nations human rights monitoring office in

East Timor. He expressed the hope that the Government of Indonesia would implement the recommendations of the Special Rapporteur on the right to freedom of opinion and expression and the resolutions of the Commission.

61. Mr. ITTY (Anglican Consultative Council) said that his organization had taken note with satisfaction of the report by the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1996/62). It remained concerned about the persistent reports of atrocities against children, women and members of racial, ethnic and religious minorities in the Sudan, and it requested the Commission to ensure that the Government of the Sudan complied with its commitments concerning the protection of human rights and fundamental freedoms under the Peace Agreement signed on 10 April 1996.

62. The Government of the Sudan should comply in full with the Commission's resolutions concerning the freedom of movement of human rights monitors within the country. For its part, the Commission should cooperate with significant non-governmental organizations, especially religious organizations which had excellent local contacts.

63. All the available machinery should also be used to ensure that all Governments accused of gross human rights violations were held accountable for their actions, in conformity with their obligations under international humanitarian law and the international human rights instruments.

64. His organization was also deeply concerned about the suffering endured by religious and ethnic minorities in, inter alia, Zaire, Rwanda, Burundi, Pakistan, Myanmar, Tibet and East Timor. It hoped that those member States guilty of human rights violations would continue to be held accountable to the Commission. Lastly, he requested the Commission and Governments, in particular the Government of the Sudan, to cooperate with non-governmental organizations in promoting human dignity.

65. Mrs. GIRMA (African Association of Education for Development (AFASED)) drew attention to the utmost importance of strengthening preventive diplomacy and early-warning machinery, in particular by the timely appointment of special rapporteurs for particular countries. As the Minister for Foreign Affairs of Denmark had observed, "securing human rights costs money, but the cost of doing nothing will be far greater", not to speak of the numerous lives that would be sacrificed for lack of timely action.

66. Regarding the Sudan, AFASED welcomed the negotiations under way under the auspices of the United States and hoped that they would make it possible to reach a political consensus. Demonizing the adversary and internationalizing the conflict was in the interest neither of the region nor of the African continent.

67. Her organization appealed to the international community to help Liberia to put an end to the blood bath there. As to Zaire, she unreservedly supported the recommendations and conclusions of the Special Rapporteur, especially regarding the establishment of a bureau in Kinshasa to promote and protect human rights. All the political leaders of that huge country should work towards political stability by complying with the International Bill of Human Rights.

68. In Equatorial Guinea, the authorities were endeavouring to deceive the international community by releasing political prisoners and then imprisoning them again once the observers had left. AFASED called on the Government to establish an independent electoral commission to ensure the transparent elections and respect for the opposition parties' right to freedom of expression.

69. Lastly, it should be emphasized that South Africa, for which tyranny and dictatorship, under which it had suffered for so long, were the enemies of peace and development, should play a major role in Africa's evolution.

70. Mr. HTUN (Worldview International) said that in Myanmar the rights of citizens, particularly those of the ethnic minorities, were still being violated. Since 1995, Daw Aung San Suu Kyi was no longer under house arrest, but the authorities restricted her movements and contacts with foreign dignitaries - including the representatives of the Secretary-General of the United Nations. There were at least 1,000 political prisoners, including students, intellectuals and artists, who were frequently ill-treated or tortured. The maintenance of a military Government and of martial law opened the way to all kinds of abuse, especially in the judicial field. Political prisoners, particularly members of the National League for Democracy, were denied regular procedural safeguards and sometimes given extremely heavy sentences. The military Government continued to promulgate laws that enabled it to suppress the will of the people and to perpetuate its political and economic stranglehold on the country. He also emphasized that conditions of detention were horrifying and that many people died in jail.

71. In view of that explosive situation, his organization called on the Commission to extend the Special Rapporteur's mandate for one year and to provide him with the necessary assistance to establish the facts about Myanmar.

72. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

73. Mr. KUMBE (Survival International) said that in Nigeria, the Ogoni people, numbering approximately 500,000, were being persecuted and marginalized by the authorities, in collaboration with multinational oil companies in the delta region. Dozens of Ogoni who had peacefully marched on 4 January 1996 in memory of their compatriots and in celebration of Ogoni Day had been killed or arrested. In order to conceal the current genocide, in February-March 1996 the Nigerian military authorities had intensified their disinformation campaign, particularly towards representatives of foreign institutions.

74. Following sham local elections in March 1996, many activists of the Movement for the Survival of the Ogoni People had been persecuted and forced into hiding or exile, particularly in Benin. In preparation for the United Nations fact-finding mission to the Ogoni region, the Nigerian security forces had arrested and tortured dozens of people. The United Nations mission had described the situation as very grave and had implored the authorities to remedy it.

75. It was incumbent on the Commission to take tangible measures to restore the rule of law in Nigeria and to ensure that the authorities of that country - which was a party to various international instruments - recognized the legitimate rights of the Ogoni people. An independent commission should investigate the issue of arms imports into Nigeria by the Shell company and the recent extrajudicial execution of Ogoni refugees by Nigerian military personnel on the Benin border.

76. Mr. CHUKWUMA (International Federation of Human Rights) said that in Nigeria the military Government was continuing systematically to violate human rights and refusing to cooperate with the United Nations under the relevant special procedure. More than 30 Ogoni who had wished to meet the representatives of the Secretary-General of the United Nations had been arrested. Hundreds of journalists, trade unionists and human rights and democratic activists had been arrested, tortured or persecuted. The Commission should appoint a special rapporteur on Nigeria.

77. In Algeria, since the declaration of the state of emergency in 1992, numerous violations of fundamental rights, particularly the right to life, had been committed by the security forces and the terrorist groups. Journalists were special targets. The Government of Algeria should observe the international norms on states of emergency and resume negotiations in order to restore the rule of law.

78. In Chad, serious human rights violations were continuing as a result of the total impunity enjoyed by the guilty. Clashes between communities were extremely violent. The Commission should appoint a special rapporteur to report publicly on the situation in Chad.

79. In Bahrain, following a four-month truce from August to November 1995, the authorities had resumed their persecution of supporters of the constitutional movement. Under a new law enacted in February 1996 jurisdiction over criminal cases had been partly transferred from the criminal courts to the State Security Court. The Commission should monitor that situation.

80. In Turkey, the Constitution introduced after the 1980 military coup was still in force, a growing number of people were disappearing and torture was widely practised by the security forces. The Commission should condemn that situation and establish a monitoring mechanism.

81. In China, human rights activists and trade union or religious militants were still being persecuted. Thus, in December 1995 Wei Jinsheng, a Nobel Peace Prize nominee had been sentenced to 14 years' imprisonment for attempted subversion. The Commission should react against such massive, gross and systematic violations of human rights and adopt a resolution.

82. Finally, in Cuba, freedom of opinion, expression and association was still severely limited and human rights activists were persecuted. His organization did vigorously condemn the embargo imposed on Cuba by the United States, with its serious social and economic consequences, but it also urged the Commission to continue to monitor the situation.

83. Mr. CIURLIZZA (Andean Commission of Jurists) said that, in the Andean region, respect for human rights was jeopardized by institutional weakness and instability, social and economic difficulties, violence and drug trafficking. In Colombia and Peru, blind armed terrorism was a further source of serious violations of international humanitarian law and of fundamental rights as a whole. Frequently, the impunity enjoyed by those responsible was an additional obstacle to the strengthening of democracy. While some countries in the region had taken steps to combat impunity, in Peru impunity had been officialized, as a general amnesty law covered crimes committed between May 1980 and July 1995. That law was an affront to international human rights norms and in particular to article 18 of the Declaration on the Protection of All Persons from Enforced Disappearances.

84. In Colombia, acts of violence were committed by irregular armed groups and paramilitary groups, drug traffickers, the security forces and ordinary criminals. Political violence was said to be responsible for 10 victims each day, and the situation was particularly dramatic in the Urabá region. The dialogue between the Government and the guerilla groups was at a standstill and the President of Colombia was himself facing trial on charges of financing his election campaign with drug money. There was no magic solution to such a situation, but the Commission should clearly pronounce itself without delay on the measures to be taken. His organization welcomed the forthcoming establishment in Colombia of an office of the United Nations High Commissioner for Human Rights, whose mandate should encompass both cooperation with the Government and the Colombian people and supervisory functions, and whose reports should be publicly discussed in the Commission.

85. Mr. WAREHAM (International Association Against Torture (IAAT)) said that no country was free of human rights violations, although some Member States of the United Nations claimed to be beyond suspicion. Despite the disclaimers by the delegation of the United States, it was clear that the United States was the scene of racism, racial discrimination, xenophobia, poverty, injustice and torture. The situation of the 40 million Black Americans could not be ignored. The facts were that in the United States Diplomatic Service in 1993 only 6.7 per cent had been Blacks (1.4 per cent in high-level posts). In New York, the headquarters of the United Nations, the welfare services served 90,000 free meals every day, 30,000 of which were for children. In 2010, more than 50 per cent of Black Americans between the ages of 18 and 40 risked being in prison or in detention. The Black representatives of IAAT who possessed American citizenship were subject to harassment by the United States immigration services each time they returned to their country.

86. In the field of foreign policy, the blockade imposed for 35 years by the United States on Cuba, initially under the guise of the cold war, continued to deprive the population of a developing country of its most fundamental rights. In contempt of all the General Assembly resolutions condemning the embargo, the Government of the United States had recently adopted measures to further tighten the ratchet on the Cuban people. The United States had even gone so far as to threaten international trade in order to secure support from other countries.

87. At the previous meeting, the representative of the United States had referred to the annual State Department report on the human rights situation in the world and the report submitted by her Government to the Human Rights Committee as proof of the non-selectivity and capacity for self-criticisms of the United States in that sphere. However, in her statement she had only mentioned developing countries as being responsible for human rights violations. The Human Rights Committee had already deplored the United States reservations to the International Covenant on Civil and Political Rights and had noted that the United States was refusing to implement those aspects of the Covenant which had no counterpart in its own legislation.

88. His organization called on the United States to withdraw its reservations to the few instruments it had ratified and to take the long overdue step of ratifying the International Covenant on Economic, Social and Cultural Rights. In the spirit of the Vienna Declaration, the Commission should, for its part, appoint a special rapporteur to investigate the human rights situation in the United States of America.

89. Mr. GEBRIEL (World Federation of Democratic Youth) said that violations of fundamental rights were continuing in Nigeria. The transitional programme presented by the Government in October 1995, which had promised a return to democracy, carried little weight in view of the numerous measures restricting fundamental rights adopted since November 1993. Under the pretext of State security, the Nigerian authorities could, for example, arrest and detain anyone without charge or trial. Political opponents had been the first victims of that measure. In conformity with General Assembly resolution 50/199, the Commission should take the necessary steps - and the appointment of a special rapporteur would doubtless not be enough - to induce Nigeria to comply with its international human rights commitments.

90. In the Sudan, it was encouraging that the authorities had accepted the deployment of international human rights monitors, although in view of the persistent abuses, particularly in the south, the Commission should remain extremely vigilant. The authorities should cease their persecution of political leaders and students and take steps to improve the lot of women and children, who were occasionally held in slavery by certain State officials. In his most recent report (E/CN.4/1996/62), the Special Rapporteur of the Commission, Mr. Bíro, had been perfectly clear in that respect.

91. In Lebanon, Israel should immediately cease all acts of aggression. The indiscriminate bombardment of civilian targets had caused many victims, including children, and had compelled at least 450,000 people to leave their homes. In conformity with Security Council resolution 425 (1978) the restoration of peace required the withdrawal of Israel from those areas it was occupying in southern Lebanon.

92. Mr. JOHN (Commission of the Churches on International Affairs of the World Council of Churches) said that, according to the information received by his organization, the human rights situation in Nigeria, and particularly in the Ogoni areas, was deteriorating. Hundreds of people were allegedly being detained without charge, tortured or were the victims of extrajudicial executions. In addition, 21 Ogoni faced the threat of trial by the special military courts rather than the regular courts. The existence of the special

military courts, which had become the rule rather than the exception, was a blatant violation of the provisions of article 14 of the International Covenant on Civil and Political Rights, as the courts were an arm of the executive, and not the judicial, branch. In contempt of all legal and ethical norms, an armed gang was holding an entire population hostage in Nigeria. The Commission should appoint a special rapporteur to study the situation and adopt a forceful resolution to promote respect for fundamental rights in Nigeria. The Commission and its member States should also exert strong diplomatic, political and economic pressure on the Nigerian military regime in order to restore democracy.

93. Mrs. FAUCHERE (World Confederation of Labour) said that throughout the world the fundamental rights of men and women workers and of those who defended those rights were being violated by employers and Governments that refused to put into practice the international instruments to which they were parties. In some countries the situation was extremely serious.

94. In Argentina, for example, workers protesting against abusive dismissals had been wounded and even shot to death. In Bolivia, trade-union leaders protesting against government policy had been arrested and tortured. In Colombia, numerous trade unionists had suffered from violence. In Cuba, several leaders of a group of human rights organizations had been imprisoned and freedom of expression was still being stifled. In Guatemala, Honduras and Nicaragua, trade union militants were being persecuted. In Paraguay, the police had brutally put down a peasant demonstration. In Peru, the police had recently directed its attention to street traders.

95. The situation was also extremely serious in Rwanda, Burundi, the Sudan, Liberia, Equatorial Guinea and the Congo. In Iran, despite the Government's claims, the fundamental rights of workers were continually flouted. Lastly, she condemned the brutality and ill-treatment of workers in numerous firms in Viet Nam.

96. The CHAIRMAN said that the Commission had completed its discussion of agenda item 10.

The meeting rose at 6.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 1996, at 6 p.m.

Chairman:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

In the absence of Mr. Vergne Saboia (Brazil), Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

The meeting was called to order at 6.05 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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(agenda item 20) (E/CN.4/1996/98-102, 110 and Add.1, 121 and 132; E/CN.4/1996/NGO/33, 39, 42 and 72; A/50/537; E/CN.4/Sub.2/1995/29 and Add.1)

1. Mrs. CALCETAS-SANTOS (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report (E/CN.4/1996/100), said that her first concern in tackling the three areas of her mandate had been to avoid duplication of other United Nations initiatives. During the first year of that mandate, she had deliberately refrained from undertaking any field missions, concentrating instead on a preliminary country-by-country assessment of the issues.

2. Sale of children, child prostitution and child pornography had three major causes: poverty, socio-cultural discrepancies (often the result of discrimination), and the commercialization and erosion of spiritual values. Sale of children, whether for adoption, employment or sexual exploitation, was rife in most parts of the world. Child prostitution and child pornography were escalating, partly because of the widespread belief that having sex with children contributed to virility and longevity and lessened the risk of HIV-infection, and also to the ready availability of pornography on the Internet.

3. Three potent tools to combat the burgeoning problem were already in place in most countries: the media, education and the judicial system. The media could help instil a sense of responsibility in the broadest possible cross-section of the population in the shortest possible time; education could be used to rebuild shattered civic and spiritual values; and the judicial system could play a role both as a deterrent, through expeditious prosecution of offenders, and in rehabilitation, through sensitive treatment of the victims. The national strategies adopted would vary in the light of each country's specific circumstances.

4. Commercial exploitation of children struck at the most vulnerable members of society, and the Commission must call on all States to accord the issue the highest priority. Children deserved at very least as much attention as was currently paid to preservation of the environment, for a healthy environment counted for nothing if those inhabiting it had been irreparably blighted.

5. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

6. Mr. ELIASSON (Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts), introducing his report (E/CN.4/1996/102), said that although at its second session the working group had not succeeded in reaching agreement on the most central issue, namely, that of the age-limit for direct participation in hostilities, the options available had been considerably narrowed down.

7. The working group continued to be faced with choices on four major issues, the first of which was the age below which no one would be allowed to take a direct part in hostilities. It was now recognized that the age of 15 set by the Convention on the Rights of the Child was too low; the minimum age of 18 recommended by the 26th International Conference of the Red Cross and Red Crescent in December 1995 was acceptable to almost all members of the working group. Those participants reluctant to accept a minimum age of 18 had failed to convince their colleagues of the desirability of setting a lower minimum age or a variable minimum age linked to the differing ages at which a child attained majority in different countries. He hoped that those participants would be able to reconsider their position before the next session of the working group. Meanwhile, the crucial importance of regulating that age-limit was now clear to all.

8. On the second issue, most participants favoured permitting some form of voluntary recruitment of persons below the age of 18, so as to allow the armed forces to be seen as a career option. A clear majority was willing to accept an age-limit of 17 for voluntary recruitment into the armed forces and of 15 for enrolment in schools operated by or under the control of armed forces, provided that those enrolled were not subjected to military training until they reached the minimum age for voluntary recruitment.

9. On the third issue, a clear majority of delegations again favoured a specific minimum age of 18 for recruitment by non-governmental armed groups involved in an armed conflict. One delegation favoured a link with the differing ages at which a child attained majority in different countries, as it did in the case of article 1.

10. On the fourth issue, namely, the role of the Committee on the Rights of the Child in monitoring implementation of the provisions of the protocol, all participants agreed that States parties should include information on implementation in their reports to that Committee. Some suggestions regarding the advisability of including in the protocol provisions giving the Committee greater investigative powers with regard to the protocol than with regard to the Convention itself were contained in paragraph 52 of his report.

11. Faced with a choice between establishing a short optional protocol covering only the three issues on which there was virtual unanimity - namely, an 18-year age-limit for direct participation in hostilities, for compulsory recruitment into armed forces and for recruitment into non-governmental armed groups - or continuing to work towards a protocol covering also the question of voluntary recruitment, the working group had decided strongly in favour of the latter option. It should now be able to complete its work at its proposed third session.

12. Mr. MORA GODOY (Chairman-Rapporteur of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as basic measures needed for their eradication), introducing his report (E/CN.4/1996/101), said that, at its second session, the working group had focused on finding a definition of the offences to be covered by the draft optional protocol, on the need for States to take preventive measures by ensuring that the basic material needs of children and their families were satisfied, and on the need for internal and international legislation to protect children. Bilateral and multilateral cooperation were essential, and extradition had thus proved a highly controversial issue in that connection.

13. He hoped that future meetings of the working group would again be attended by the Special Rapporteur on the sale of children, child prostitution and child pornography and by members of the Committee on the Rights of the Child. Given the breadth of its mandate and the fact that its work was still in its early stages, the proposal to reduce the duration of the working group's sessions made little sense.

14. The debates at its first two sessions had revealed that a long road lay ahead before the working group reached agreement on appropriate measures to combat those phenomena. Yet undue delay in completion of its task would give the impression that the United Nations and Governments were reluctant to draw up international legislation to eradicate those practices, whose proliferation posed a real challenge to the credibility of an organization committed to the protection of the rights of all persons, including children. As long ago as 1988, 1 million children a year had been abducted, sold or forced into the sex market. With less than four years to go before the end of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, the international community had little reason to boast of its achievements in that sphere. An optional protocol should thus be concluded as a matter of urgency, as an expression of collective political will to eradicate those practices.

15. Mr. BAUTISTA (Philippines) noted that in her report (E/CN.4/1996/100) the Special Rapporteur on the sale of children, child prostitution and child pornography had singled out the media as one of three catalysts in the fight against those practices. He was thus pleased to announce that the First Asian Summit on Child Rights and the Media was scheduled to take place in the Philippines in July 1996. His Government was working with non-governmental organizations (NGOs) and the academic community on awareness-raising activities, teaching tools and inclusion of courses on the Convention on the Rights of the Child in law school curricula.

16. His delegation also shared the deep concern expressed by Ms. Graça Machel in her study of the impact of armed conflict on children (E/CN.4/1996/110). The Philippines had adopted legislation prohibiting the recruitment of children under the age of 18 and had joined the call for a total ban on anti-personnel land-mines.

17. The Philippines had been among the first countries to ratify the Convention on the Rights of the Child, participated actively in the inter-sessional working groups on the optional protocols, and had submitted a report to the Committee on the Rights of the Child in 1995. A solid legislative base existed for upholding children's rights and promoting their well-being. A Child Rights Centre had been set up to assist child victims, and the Philippine Plan of Action for Children provided for day-care units in every village. Child health, nutrition and welfare were continuing concerns of the Government, and the goal of universal immunization had been achieved ahead of schedule. Nevertheless, a comprehensive international approach was also called for if all aspects of the protection of children were to be properly addressed. His delegation thus welcomed the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, as well as his prompt response to the Philippines' request for assistance under that Plan.

18. Mr. TORELLA DI ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta, said that further positive action was needed effectively to promote the welfare of the child: reservations to the Convention on the Rights of the Child should be withdrawn, information disseminated and reporting obligations met.

19. Children were among the first casualties of war and he paid tribute to the agencies which were striving to protect them and assist their rehabilitation in peace. Furthermore, in view of the fact that many thousands of children continued to be used as soldiers in armed conflicts and even those who escaped death might still become psychologically damaged and, as adults, perpetuate violence in society, the European Union supported efforts to deal with the issue.

20. Girl children suffered particular discrimination and disadvantages in many parts of the world for cultural, social and religious reasons. Particular attention should therefore be paid to following up the Beijing Platform for Action.

21. No one was indifferent to the plight of street children who faced an uncertain future and some, tragically, a premature death. Marginalized and stigmatized, they were easy targets for abuse because they were regarded as defenceless victims. The European Union applauded the efforts made by NGOs in helping homeless children.

22. The Commission was rightly paying special attention to the question of the sale of children, child prostitution and child pornography - abuses motivated by commercial greed or base sexual gratification. Fortunately

mounting public concern about the sexual abuse of children and sex tourism had prompted government action to combat those violations of children's rights, but much still needed to be done to eradicate problems of that nature.

23. The European Union condemned all extreme forms of child labour which deprived many young people of education and other opportunities of development. He called on all Governments to live up to their commitments under the Convention and to take effective measures to eliminate the exploitation of children. At the same time, international strategies should be devised in the field of juvenile justice and crime prevention.

24. Achievements to date seemed scant if compared with the challenges of the future.

25. Mr. MINOVES-TRIQUELL (Observer for Andorra) explained that his country was giving priority to the Convention on the Rights of the Child, as children were the first stage of the human life cycle. As the education they received would determine the course their lives would take they had to be taught tolerance in order to build a better world. They consequently, needed the cooperation of adults, because information had to be passed down from one generation to another in order to preclude a repetition of past mistakes.

26. Children's bodies should be nourished as well as their minds. In view of the abject poverty in which a vast percentage of children in developing countries lived, practices such as the sale of children, child prostitution and pornography were hardly surprising. Global economic and social development were the keys to the elimination of those scourges. In developed countries where the position was different, but equally serious, closer bonds had to be forged between generations in order to prevent child neglect. The principle which should guide all future action by political leaders throughout the world was "children first".

27. Ms. RAMLI (Malaysia) noted that although the world of children should be one of joy, happiness, learning and growing, many hapless children still suffered hunger, disease and ill-treatment.

28. Welcoming moves to protect the rights of the child, she suggested that the Special Rapporteur on the sale of children, child prostitution and child pornography should address the root causes of child prostitution and neglect in a future report. The sale of children, child prostitution and pornography were closely linked to economic rights and stemmed from social inequality. Malaysia had adopted two acts to protect women and children from such abuses.

29. While tourism was a major source of revenue for many developing countries, it was tragic that special tours were being organized for the sexual exploitation of children. As differences between legal systems had enabled offenders to escape prosecution, laws should be harmonized in order to close loopholes. Similarly, it was totally unacceptable that children should be involved in conflicts as armed combatants. A draft optional protocol to address the issue should therefore be concluded as soon as possible.

30. She was concerned that financial difficulties might hamper the work of the Committee on the Rights of the Child and that of the Centre for Human Rights, especially in view of their increased workload. Nevertheless, she hoped that the Committee would be able to guide the support team mentioned in the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child.

31. Her delegation reiterated its continuing support for all United Nations programmes and activities aimed at improving the lot of children and welcomed the contributions made by NGOs.

32. Mr. PARREIRA (Angola) said that his delegation shared the concern expressed about the maltreatment, exploitation, neglect and sexual abuse of children. Drawing attention to the growth of prostitution and sexual abuse involving children in Africa, he regretted that the report had not focused on that specific problem. Underdevelopment, poverty and worsening living conditions led to human rights violations, which meant that African children - the poorest and least protected in the world - probably accounted for a considerable proportion of the victims of paedophiles, some of whom were sex tourists. He was particularly concerned by reports that prostitution had suddenly increased with the arrival of United Nations peace-keeping troops in certain countries, and urged the Commission to take immediate remedial action.

33. The international community's response to the worldwide deterioration of the rights of the child had been inadequate. After 50 years of human rights activities, frustratingly little had been accomplished to protect children against neglect, cruelty and exploitation. As a sign of the Angolan Government's deep commitment to improving that situation, it had offered to host a major human rights conference in Africa.

34. Mr. PARKER (Chile) said that, despite strenuous national and international efforts to promote full respect of the rights of the child, children were still highly vulnerable. Action was needed to create the economic, social and legal conditions enabling children to develop fully as human beings, since only in that way could firm foundations be laid for the society of the future. Children deserved special protection within the family and society as well as by the international community, since the majority of serious infringements of children's rights resulted from the marginalization experienced by hundreds of millions of social outcasts throughout the world. Children's involvement in armed conflicts was a further brutal infringement of their rights. For those reasons, national and international efforts were urgently required to stamp out poverty and strengthen instruments to ensure that children would be able effectively to enjoy their rights.

35. His delegation was pleased to report the beneficial effects of the policies which his country's successive democratic Governments had pursued in order to promote and protect the rights of the child. Those policies had not only set out to foster economic growth, but also to bring domestic legislation into line with the provisions of the Convention on the Rights of the Child. The situation of indigenous children, who were at particular risk, was

likewise regarded as extremely important. One of the purposes of the Indigenous Peoples Act was to secure recognition of the values, culture, religion, language and customs of indigenous children.

36. His delegation was prepared to participate in all efforts aimed at consolidating the Convention on the Rights of the Child through the drafting of protocols as a means of helping children to enjoy fuller, better lives.

37. Mr. TARRE MURZI (Venezuela) said that, although the international community had been concerning itself with child welfare for 80 years, the plight of innumerable children worldwide had actually worsened. According to the International Labour Organization (ILO), many of its conventions concerning under-age employment and employment of minors in hazardous conditions or in activities injurious to their morals were being flouted in both developed and developing countries. Millions of children were exploited as slaves or paid pitifully low wages. In some countries they were forced into prostitution or worked in the streets. Such children were generally deprived of schooling and vocational training.

38. It was time to convene an international conference of the United Nations and its specialized agencies to address the problem of children employed in conditions that jeopardized their physical and moral integrity and to seek ways of securing compliance with the relevant ILO conventions.

39. His delegation warmly supported the draft resolution submitted by the delegation of Austria concerning human rights in the administration of justice, in particular those of children and juveniles in detention (E/CN.4/1996/L.59).

40. Mr. CHEN Peijie (China) said that her delegation welcomed the establishment of two working groups to draft optional protocols to the Convention on the Rights of the Child, but cautioned against setting up new monitoring mechanisms which might lead to duplication of effort.

41. China had promulgated a series of laws on protection of the rights of the child. Its Outline Programme for Chinese Children's Development in the 1990s set 10 targets to be attained by the end of the century. Preferential measures had been taken on behalf of children of minority nationalities, disabled children and children in rural areas, and orphanages, children's villages and charity programmes had been established.

42. China had also established a network of rehabilitation centres and foster institutions and a wide variety of special education facilities to assist children with mental and physical disabilities. Moreover, special education programmes and curricula were designed to allow disabled children to participate on an equal footing in society.

43. The education of girls at the primary level presented major difficulties in many developing countries, including China. Under the Spring Buds Programme, run by the Children's Foundation of China with government

assistance, a special fund was used to finance schooling for girls and provide free primary education for girls in poverty-stricken areas. In general, China took great pride in its achievements in the area of education, which had attracted worldwide attention.

44. About 80 per cent of minors in China lived in rural areas where living conditions were often harsh, particularly in the frontier and outlying provinces. Protecting their rights and interests would remain a daunting task for some time to come, but the Chinese Government would spare no effort to enhance the quality of their lives.

45. Ms. ESCOBAR (El Salvador) said that, in terms of universality, the leading international instrument was the Convention on the Rights of the Child, which had been acceded to or ratified by 180 States.

46. The number of children killed or seriously injured by anti-personnel mines had reached unacceptable levels. Those who survived would suffer the consequences, both physical and mental, for the rest of their lives. The international community had a moral obligation to redouble its efforts to ensure the eventual elimination of land-mines from the arsenals of the world.

47. It was clear from the Secretary-General's report on the impact of armed conflict on children (E/CN.4/1996/110) that all children's rights were violated in wartime. Her delegation awaited with concern the report of the expert, Ms. Graça Machel, to be submitted to the General Assembly at its fifty-first session.

48. El Salvador had co-sponsored Commission resolution 1995/79 providing for a number of activities aimed at the protection and promotion of children's rights and had participated in the working groups that were drafting optional protocols to the Convention on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. The working group on the latter set of issues would benefit from the presence at its proceedings of the Special Rapporteur, whose report (E/CN.4/1996/100) she commended.

49. She deplored the fate of children whose rights were being violated solely because their parents happened to be migrants. The Convention on the Rights of the Child was universal and even children whose parents' situation was irregular should not be deprived of such basic rights as the right to education and health.

50. She commended the High Commissioner for Human Rights on the preparation of a Plan of Action to strengthen the implementation of the Convention on the Rights of the Child, and hoped that adequate funds would be made available for its implementation.

51. Mr. AL-HUMAIMIDI (Observer for Iraq) said that, although Iraq had achieved an advanced level of health care for children during the 1970s and the 1980s, its accomplishments had been wiped out since the imposition of

economic sanctions. He referred to a number of reports by the United Nations and the United Nations Children's Fund (UNICEF) that testified to the terrible sufferings of Iraq's children owing to malnutrition, the lack of safe drinking water and shortages of medical equipment and drugs. Infant and child mortality statistics had been steadily deteriorating. The Deputy Regional Director of the World Health Organization for the Eastern Mediterranean region had said at a meeting on 25 March 1996 in Geneva that the health situation in Iraq had been set back 50 years by the economic sanctions.

52. How could Iraq hope to comply with the Convention on the Rights of the Child when the international community was denying its children access to basic health care?

53. Mr. GNONDOLI (Observer for Togo) noted with satisfaction that the Convention on the Rights of the Child had been ratified by almost the entire international community. As one of the most vulnerable groups in society, children should be the first to benefit from available resources, at times of both prosperity and austerity. Instead, millions of children were suffering from poverty, malnutrition, violence, neglect and exploitation.

54. He commended the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1996/100). His country intended to participate actively in the working group on a draft optional protocol to the Convention on that subject. He also commended the work of the Committee on the Rights of the Child and expressed his Government's resolve to assist it in its task.

55. The protection of children, especially in developing countries, depended in large measure on the establishment of a new world economic order. The social problems faced by families in difficult economic circumstances were often the cause of failure to respect children's rights.

56. Mr. BOREL (International Committee of the Red Cross) said that, as an organization engaged in assisting the victims of armed conflicts, the International Committee of the Red Cross (ICRC) was particularly concerned about the fate of children involved in such conflicts. Its action focused on the improvement of legislation and the implementation of practical measures to protect and assist them.

57. With regard to the draft optional protocol to the Convention on the Rights of the Child, ICRC considered it essential to prohibit all forms of direct and indirect involvement of children in armed conflicts. Any qualification regarding the type of child involvement could narrow the scope of the provisions of the Protocol Additional to the Geneva Conventions of 1949 relating to the Protection of the Victims of Non-International Armed Conflicts. In addition, the commitments contained in the draft optional protocol should be respected by "all parties to the conflict", so that all armed groups involved in non-international conflicts were covered. In practice, internal conflicts were those in which children were most frequently involved.

58. The 26th International Conference of the Red Cross and the Red Crescent held in Geneva in December 1995 had adopted a resolution recommending that parties to conflicts should refrain from arming children under 18 years of age and should make every effort to prevent their involvement in hostilities. The International Red Cross and Red Crescent Movement had adopted a plan of action in December to promote the principle of non-involvement and non-recruitment of children under 18 years of age and to protect and assist child victims of armed conflicts.

59. Mr. MALHOTRA (United Nations Educational, Cultural and Scientific Organization) said that the United Nations Educational, Cultural and Scientific Organization (UNESCO) had been involved in drafting the Convention on the Rights of the Child and was currently engaged in its dissemination and implementation.

60. The goals set at the World Summit for Children for the year 2000 included universal access to basic education for at least 80 per cent of children of primary school age and reduction of the adult illiteracy rate to at least half its 1990 level, emphasizing female literacy.

61. UNESCO's Associated Schools Project (ASP), encompassing over 3,500 schools in 125 countries, had focused from the outset on human rights, and a wide range of educational approaches had been developed to promote familiarity with human rights instruments and attitudes and behaviour conducive to respect for human rights. A forthcoming ASP experimental interregional project would address the problem of violence in schools and promote community conflict management.

62. UNESCO had helped to translate the Convention on the Rights of the Child into local languages and it encouraged NGOs to publish and distribute related materials. In 1995 it had launched a series of regional studies on progress in implementation of the Convention, particularly articles 28, 29 and 30, in different countries.

63. UNESCO was addressing the problems of street children and child labour, particularly in Brazil, Mexico, Viet Nam, Palestine and the Philippines. Moreover, it had initiated a pilot project on bonded labour in one of the states of India and had set up a unit responsible for education in emergency situations in Somalia, Bosnia and Herzegovina and Rwanda.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

Statements in exercise of the right of reply

64. Mr. PARREIRA (Angola) said that the affirmation that difficulties might emerge during the implementation of a peace process, namely, in Angola, was

not only an unnecessary tautological exercise, but also a deliberate attempt to manipulate concepts. Such a statement about Angola, which had been completely devastated by an unfair war imposed on its people, was indeed bizarre and raised justifiable doubts about its seriousness. He therefore dismissed the comments about his country made on behalf of the European Union and said his delegation would simply have ignored the statement, were it not for the fact that it offended the dignity of his country as a sovereign State.

65. Mr. ALAEE (Observer for the Islamic Republic of Iran) said his delegation had exercised the utmost restraint in reacting to disparaging remarks made about his Government because it was of the view that rhetoric and polemics should be minimized. For that reason it had refrained from responding to the ludicrous claims made by a group of infamous terrorists based in a neighbouring country and lavishly supported by Western countries; they had misused the Commission by addressing it in the guise of an NGO.

66. However, the statement made earlier that day by the United States delegation could not go unanswered. The United States was hardly in a position to preach on issues such as freedom, tolerance and humaneness in view of its long history of intervention in the internal affairs of States throughout the world and its complicity in the violation of human rights of various peoples. That country's long-standing and sinister interventionist policy towards Iran and its people and support for counter-revolutionary and terrorist organizations was well known. A recent allocation of US$ 20 million by the United States Congress to finance subversive activities inside Iran represented a dubious effort to defend the human rights of the Iranian people.

67. Mr. EGÜZ (Observer for Turkey) said the statement made the previous day by the Observer for Greece was a typical example of the misuse of the Commission for political purposes. Instead of expressing insincere sympathy for the plight of Cypriots, he would have been better advised to recall the discussion, as documented in a book by the former Prime Minister, Andreas Papandreou between his father, also a former Prime Minister of Greece, and the former Archbishop Makarios on the clandestine shipment of Greek troops and arms to Cyprus in 1964. Ten years later, in reference to a coup engineered by Greece, Archbishop Makarios described the coup to the United Nations Security Council (S/PV.1780) as a callous violation of the independence of Cyprus. The historical responsibility for events in Cyprus since 1963 rested squarely with Greece, for they were the product of rash and expansionist policies pursued by its successive regimes. It was the Turkish intervention on 20 July 1974 that had brought about peace and stability in Cyprus. If Greece wished to correct the mistakes of the past it should encourage a negotiated settlement between the two parties concerned, in the framework of the United Nations Secretary-General's good office missions.

68. Greece had grossly misrepresented and distorted the facts about Cyprus, yet maintained legislation that discriminated specifically against some of its own citizens on ethnic grounds, namely, the Turkish minority in Western Thrace. It was difficult to believe that such a situation obtained in a member State of the European Union.

69. Ms. KRISHNA (India) said that her delegation had exercised the utmost restraint during the Commission's proceedings so that substantive issues could be tackled with the seriousness they deserved. However, her Government could not accept the blatant propaganda put about by Pakistan which was obviously aimed at that country's domestic audience, as was clear from the fact that the accusations and criticisms levelled at India in the Commission were published in the Pakistan press the following day. Pakistan was not interested in the promotion and protection of human rights but was rather engaged in a political ploy.

70. Referring to an earlier statement by the Pakistani representative reflecting his country's nervousness about the planned elections in India, including Jammu and Kashmir, she emphasized that those elections would in fact take place and that the true representatives of the people could be elected only by the people themselves.

71. Although Pakistan had claimed progress in its human rights situation, it was common knowledge that intolerance, sectarian strife, discrimination against minorities - sanctioned by constitutional decree - arrests of political opponents, and custodial torture and deaths, were condoned or even justified by the political leaders of that country. That absence of truth pervaded the entire statement of the Pakistani representative and it was time for the members of the Commission to recognize propaganda for what it was.

72. Mr. TANDAR (Observer for Afghanistan) said the statement made by the Pakistani representative the previous evening had been taken largely from a speech by the Ambassador of Pakistan to the Security Council (S/PV/3650 (Provisional)) on 9 April 1996, and his delegation would simply reiterate the response given by the Vice Minister for Foreign Affairs of Afghanistan on that occasion. Pakistan and Afghanistan had no choice but to understand one another because of their close geographic, historical, cultural and religious ties.

73. Mr. ZAKCHEOS (Observer for Cyprus) said the eloquence of the Observer for Turkey could not erase the tragic consequences of that country's aggression and unwelcome occupation of its small, defenceless neighbour. Turkey was one of the worst human rights offenders, within and outside its borders, and the inhuman policies of the Turkish Government had been documented in the Secretary-General's report. There was no justification for genocide, ethnic cleansing or the use of force, in violation of Article 2, paragraph 4 of the Charter of the United Nations and other principles of international law.

74. The Government of Cyprus therefore urged Turkey to implement United Nations resolutions and abandon its expansionist aims so that Turkish Cypriots could put the past behind them and face a future in which everyone, without discrimination, could fully enjoy human rights and prosperity.

75. Cyprus hoped that the Observer for Turkey would report to his Government on the many concerns raised in the Commission about its policies, for the sake of its own people and regional peace.

76. Mr. EL KHAZEN (Observer for Lebanon) said that Israel's bombardment of his country since 11 April 1996 had not only undermined the peace process but also constituted savage aggression, and noted that resistance to Israeli occupation was due to that country's failure to implement international decisions and resolutions.

77. The Lebanese Government could not prevent resistance to occupation, and had repeatedly stated that it was prepared to maintain security and order in southern Lebanon provided that Israel withdrew and implemented Security Council resolution 485 (1981). The Israeli representative's statement was a shameful challenge to the international community and Commission on Human Rights. By its attacks on Lebanon, Israel had violated human rights, international law and the Geneva Conventions.

78. Mr. ZHANG Yishan (China) said that although China's human rights record was not perfect, the verbal attacks of the United States representative could not mask its achievements in the protection of human rights and its relentless efforts to improve the enjoyment of those rights.

79. He drew attention to various glaring human rights violations in the United States, where racial discrimination, homelessness and crime were rampant. With 1.6 per cent of the per capita income of the United States, China's rate of homelessness was only 5 per cent of that in that country. While the United States considered elections, freedom of expression and demonstrations as human rights, his Government regarded food, clothing, education, employment, housing and medical care as the most fundamental of human rights.

80. Referring to an allegation made regarding Tibet, he said the representative of the United States was unaware of the real situation in that region and would be well advised to read China's statement on the subject. The United States should concentrate on solving its own human rights problems before interfering in the affairs of others.

81. Mr. CABALLERO-RODRIGUEZ (Cuba) said that the United States delegation had referred to the shooting down of two aircraft for purely political reasons. The incident was regrettable, but would not have taken place if that country had complied with its international obligations and domestic legislation. The United States had been allowing terrorist pilots to violate Cuban airspace with impunity and with alarming frequency over several years. He said the Concilio group consisted of agents directed and funded by the United States Government and were traitors to their country; such treachery existed in every society. His Government was gratified to note the existence of a silent majority which was gaining strength against the blockade imposed on Cuba and working towards the restoration of normal relations with Cuba.

82. Although certain persons who had enriched themselves through the counter-revolution had tried to foment trouble in the Commission, his delegation had every intention of working seriously and constructively to promote progress.

83. Mr. AL-DORI (Observer for Iraq) said the remarks of the representative of Kuwait had been based on blind contempt and a lack of understanding. Millions were being spent to maintain an embargo against Iraq and its people. There were no political prisoners in Iraq and the thousands of Kuwaitis living in Iraq had been refused permission to return to their country by their own authorities. Iraq reaffirmed its position on disappeared persons and supported the Tripartite Committee responsible for locating missing persons which functioned in accordance with international humanitarian law.

84. The United States Government was directly responsible for the suffering of the Iraqi people. It had dropped more than 100,000 tons of bombs on Iraq and had spent some US$ 15 million on the exercise. More than 1 million people had died during those attacks, and many women, children and elderly persons continued to die as a result of the embargo preventing delivery of essential medical supplies and food.

85. The France Libertés: Fondation Danielle Mitterrand was known for its hostility to Arab countries in general and Iraq in particular. He would welcome proof of what the representative of that NGO considered to be false information and propaganda. Since it claimed it was defending human rights, it should concentrate on the suffering of the Iraqi people.

86. Mr. DARATZIKIS (Observer for Greece) said the Observer for Turkey had tried to divert attention from his country's responsibility for the crisis in Cyprus. In doing so he had repeated the usual allegations about Greece in a hopeless effort to efface the findings of the Commission on Human Rights and numerous United Nations resolutions. Serious problems such as occupation, settlement policy and missing persons could not be solved by shifting blame or by false and groundless arguments, but only by Turkey's implementation of all United Nations resolutions.

87. With reference to the status of the Muslim minority in Thrace, he said it was not surprising that, given all freedoms and guarantees it enjoyed, that minority group was thriving and its number had increased by 40,000 since the signing of the Treaty of Lausanne. By comparison, the performance of Turkey had been rather poor; the number of Greeks living in Istanbul had dwindled from 150,000 in 1923 to 3,500 owing to the practices of the Turkish Government.

88. Mr. M. KHAN (Pakistan) said the Indian representative should have thought twice before criticizing the human rights situation in his country; Pakistan had given free access to human rights mechanisms whereas India had not.

89. The question of Jammu and Kashmir had been raised in the Commission because it was the appropriate forum for the discussion of human rights abuse. The Indian Government had apparently decided to suppress discussion of Kashmir in the Commission, but his own Government preferred to inform the international community of the situation. It was Pakistan's right to protest against atrocities committed by the Indian Government.

90. India, and not Pakistan, was nervous about elections in Kashmir; it wished to conduct the voting process in secrecy. Pakistan, for its part, had requested a plebiscite under United Nations auspices. India wished to use the elections to legitimize its forcible occupation and the Kashmiri people had opposed the holding of what were expected to be fraudulent elections. Repression had therefore escalated in the region. Killings, counter-insurgency, persecution and vandalism were the methods used to force the people into submission, and assassination attempts on the lives of Kashmiri leaders had been masterminded in order to terrorize the population into accepting the elections.

91. The Kashmiri people's struggle was a peaceful movement for the realization of their right to self-determination, and armed resistance was merely a response to Indian repression and terrorism. Kashmiris would win their freedom because it was their alienable right.

92. Mr. RAZZOOQI (Observer for Kuwait) said the remarks made by the Observer for Iraq were completely unfounded. He wondered what Iraq knew about the promotion of human rights, given the dreadful state of affairs in that country. He quoted the Special Rapporteur on Iraq who described the "cruel and unusual punishment" to which the Iraqi people were subjected by a totalitarian system in which there was no rule of law.

The meeting rose at 9.05 p.m.